

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 10-0142

KATHY HEFFERNAN, ROBIN CAREY, DAVID HARMON, and NORTH
DUNCAN DRIVE NEIGHBORHOOD ASSOCIATION, INC.,
Plaintiffs, Petitioners, and Appellees,

v.

MISSOULA CITY COUNCIL, CITY OF MISSOULA, JOHN ENGIN, Mayor,
Defendants, Respondents, Appellants,

v.

MUTH-HILLBERRY, L.L.C.,
Intervenor-Defendant, Respondent, Appellant

FILED

JUL 20 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

UNOPPOSED MOTION FOR LEAVE TO FILE AMICI BRIEF

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Pursuant to Mont. Rule App. Pro 12(7) Citizens for A Better Flathead (Citizens) and Montana Environmental Information Center (the Center) move for leave to file an amicus brief in support of the Appellees in this matter, Kathy Heffernan, Robin Carey, David Harmon, and North Duncan Drive Neighborhood Association.

Counsel for proposed Amici Citizens and the Center has contacted counsel for Missoula City Council et al. and Muth-Hillberry, LLC, who do not oppose this motion. Citizens and the Center commit to filing their amicus brief on or before the filing deadline for Appellees' Brief. Citizens and the Center will file their amicus on or before the current August 16, 2010 deadline for Appellees' Brief, or, if the deadline is extended, on or before the new deadline for Appellees' brief.


The Center has worked for 25 years with local governments, the state legislature, executive agencies, and members of the public impacted by land use decisions across the State. The Center has also worked with its members and the general public to engage in land use decisions, in planning and in development of growth policies. The issues raised in this matter lie at the very heart of the Center's areas of interest and may well have state-wide implications.

Citizens is a Montana nonprofit public benefit corporation that since 1992 has informed and empowered citizens in cooperative community development that respects and encourages stewardship of the Flathead Valley's natural beauty and

resources. For more than a decade, Citizens has worked with local government bodies, the state legislature and agencies, and members of the public impacted by land use decisions. Citizens has worked with its members, neighborhood groups and the public to develop and enact meaningful growth policies and other land use planning documents. The issues raised herein are central to Citizens' work to engage the public in land use issues and work to protect their communities.

Citizens and the Center are two organizations that have long been active in working with local governments and the public to engage in land use planning and have been involved in ensuring that plans developed by citizens and adopted by local governments are effectively implemented. As such, they have strong interests in the outcome of this matter and seek to be allowed to file an amicus brief.

Respectfully submitted this ^{19th} day of July, 2010.


Sarah K. McMillan

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 19th day of July, 2010, a true and correct copy of the foregoing was served via first-class mail, postage prepaid, addressed as follows:

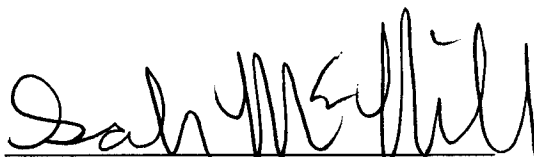
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